

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BAUSCH & LOMB INCORPORATED and)
PF CONSUMER HEALTHCARE 1 LLC,)
Plaintiffs,)
v.) C.A. No. 21-730 (LPS)
EYESCIENCE LABS LLC,)
Defendant.)

**PROPOSED ORDER GRANTING PLAINTIFFS' MOTION FOR DEFAULT
JUDGMENT AND PERMANENT INJUNCTIVE RELIEF**

WHEREAS, pursuant to Federal Rule of Civil Procedure 55(b)(2), Plaintiffs Bausch & Lomb Incorporated (“Bausch & Lomb”) and PF Consumer Healthcare 1 LLC (collectively, “Plaintiffs”) have moved for the entry of Default Judgment and an Order Granting Permanent Injunctive Relief against Defendant EyeScience Labs LLC (“Defendant” or “EyeScience Labs”); and

WHEREAS, on May 24, 2021, Plaintiffs commenced this action against Defendant by filing a Complaint for patent infringement (D.I. 1); and

WHEREAS, copies of the Summons, Complaint, and related papers were sent via Federal Express pursuant to 10 Del. C. § 3104, to EyeScience Labs LLC, 493 Village Park Drive, Powell, OH 43065, Attn: Legal Department on June 11, 2021 (D.I. 7, Exhibit A);

WHEREAS, Defendant received copies of the Summons, Complaint, and related papers, as reflected by the proof of service (D.I. 7, Exhibit B);

WHEREAS, Defendant has not answered the Complaint or otherwise appeared before this Court, and the time for responding to the Complaint has expired; and

WHEREAS, the Clerk of Court entered default against Defendant on September 28, 2021 (D.I. 11).

Now therefore,

It is hereby ORDERED, ADJUDGED, and DECREED as follows:

1. Plaintiffs' Motion for Default Judgment and an Order Granting Permanent Injunctive Relief is Granted. Final Judgment by default is hereby entered in favor of Plaintiffs and against Defendant on Counts 1 and 2 set forth in the Complaint;
2. Defendant's commercial manufacture, use, sale, offer for sale, and/or importation of compositions and methods claimed in U.S. Patent Nos. 6,660,297 (the "'297 Patent") and 8,603,522 (the "'522 Patent") (collectively, the "Patents-in-Suit"), including its accused Macular Health Formula™ product, has infringed the Patents-in-Suit;
3. Plaintiffs are joint owners of the '522 Patent;
4. The '522 Patent remains valid and enforceable; and
5. Defendant and its directors, officers, agents, subsidiaries, affiliates, successors, employees, representatives, assigns, and all other persons in active concert or privity or in participation with it are permanently enjoined from further infringement of the '522 Patent, including the commercial manufacture, use, sale, offer for sale, and/or importation of the accused Macular Health Formula™ product.
6. This Court shall retain jurisdiction for the purposes of making any further orders necessary or proper for the construction, modification, or enforcement of the judgment and permanent injunction.

Dated March 7, 2021


HONORABLE LEONARD P. STARK
UNITED STATES DISTRICT COURT JUDGE